

MARK A. BROWN CDC # AP-0910
Name and Prisoner/Booking Number
FOLSOM STATE PRISON
Place of Confinement
P.O. Box 950
Mailing Address
FOLSOM, CA. 95763
City, State, Zip Code

(Failure to notify the Court of your change of address may result in dismissal of this action.)



IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARK ANTHONY BROWN,)
(Full Name of Plaintiff) Plaintiff,)
v.)
(1) D. EARLS JR.)
(Full Name of Defendant))
(2) M. LIDDELL)
(3))
(4))
Defendant(s).)
☐ Check if there are additional Defendants and attach page I-A listing them.

CASE NO. 2:22-cv-359-JDP (PC)
(To be supplied by the Clerk)

CIVIL RIGHTS COMPLAINT
BY A PRISONER

☒ Original Complaint
☐ First Amended Complaint
☐ Second Amended Complaint

A. JURISDICTION

1. This Court has jurisdiction over this action pursuant to:

☒ 28 U.S.C. § 1343(a); 42 U.S.C. § 1983

☐ 28 U.S.C. § 1331; Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971).

☐ Other: _____

2. Institution/city where violation occurred: CALIFORNIA STATE PRISON - SACRAMENTO

B. DEFENDANTS

1. Name of first Defendant: D. EARLS JR.. The first Defendant is employed as:
TRANSPORTATION OFFICER at California State Prison - SAC
(Position and Title) (Institution)
2. Name of second Defendant: M. LIDDELL. The second Defendant is employed as:
TRANSPORTATION OFFICER at California State Prison - SAC
(Position and Title) (Institution)
3. Name of third Defendant: _____. The third Defendant is employed as:
_____ at _____
(Position and Title) (Institution)
4. Name of fourth Defendant: _____. The fourth Defendant is employed as:
_____ at _____
(Position and Title) (Institution)

If you name more than four Defendants, answer the questions listed above for each additional Defendant on a separate page.

C. PREVIOUS LAWSUITS

1. Have you filed any other lawsuits while you were a prisoner? ☒ Yes ☐ No
2. If yes, how many lawsuits have you filed? 5. Describe the previous lawsuits:
 - a. First prior lawsuit:
 1. Parties: MARK BROWN v. C. KISHBAUGH
 2. Court and case number: 21 - CV - 00149 - EFB
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) PENDING
 - b. Second prior lawsuit:
 1. Parties: MARK BROWN v. F. RODRIGUEZ
 2. Court and case number: 20 - CV - 02556 - DB
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) PENDING
 - c. Third prior lawsuit:
 1. Parties: MARK BROWN v. A. Jaramillo
 2. Court and case number: 20 - CV - 00661 - DAD - ~~DB~~ FPG
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) PENDING

If you filed more than three lawsuits, answer the questions listed above for each additional lawsuit on a separate page.

D. CAUSE OF ACTION

CLAIM I

1. State the constitutional or other federal civil right that was violated: CRUEL AND UNUSAL
UNUSAL PUNISHMENT EIGHT AMENDMENT.

2. **Claim I.** Identify the issue involved. Check **only one**. State additional issues in separate claims.

- | | | | |
|---|---|---|---------------------------------------|
| <input type="checkbox"/> Basic necessities | <input type="checkbox"/> Mail | <input type="checkbox"/> Access to the court | <input type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings | <input type="checkbox"/> Property | <input type="checkbox"/> Exercise of religion | <input type="checkbox"/> Retaliation |
| <input checked="" type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input type="checkbox"/> Other: | |

3. **Supporting Facts.** State as briefly as possible the FACTS supporting Claim I. Describe exactly what **each Defendant** did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

SEE PAGE

4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).

SEE PAGE

5. **Administrative Remedies:**

- a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☒ Yes ☐ No
- b. Did you submit a request for administrative relief on Claim I? ☒ Yes ☐ No
- c. Did you appeal your request for relief on Claim I to the highest level? ☒ Yes ☐ No
- d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. _____

STATEMENT OF FACTS

MARK BROWN, THE PLAINTIFF

1.) ON SEPTEMBER 28TH 2021 I, WAS INFORMED I WAS BEING TRANSFERRED TO A DIFFERENT PRISON FACILITY BY C/O M. LIDDELL.

2.) ON SEPTEMBER 28TH 2021 CORRECTIONAL OFFICER M. LIDDELL ASKED PLAINTIFF MARK BROWN IF HE WAS READY TO BE ~~REMOVED~~ TRANSFERRED TO ANOTHER PRISON. DEFENDANT LIDDELL ALONG WITH OFFICER D. EARLS JR. ESCORTED THE PLAINTIFF IN HANDCUFFS TO R&R (RECEIVING AND RELEASE) AND PROCEEDED TO STRIP SEARCH THE PLAINTIFF PRIOR TO ESCORTING HIM TO A VAN TO BE DRIVEN TO ANOTHER PRISON FACILITY.

3.) AFTER OFFICERS STRIP SEARCHED THE PLAINTIFF, OFFICER M. LIDDELL THEN PLACED THE PLAINTIFF MARK BROWN IN HANDCUFFS WHILE OFFICER D. EARLS JR. STOOD NEARBY. IMMEDIATELY AFTER BEING COMPLETELY HANDCUFFED ^{PLAINTIFF} NOTICED THEY WERE TOO TIGHT AND STARTED TO FEEL THE PAIN FROM THE HANDCUFFS. PLAINTIFF'S WAIST WERE IN MILD PAIN INITIALLY.

4.) PLAINTIFF, MARK BROWN WAS IN A ~~THE~~ CAGE FOR ~~2000~~ MANY ~~2000~~ MINUTES ~~2000~~ IN HANDCUFFS WHEN OFFICER'S M. LIDDELL AND D. EARLS JR. ^{OPENED} THE CAGE AND PROCEEDED TO ESCORT PLAINTIFF TO A TRANSPORTATION VEHICLE. DURING THE ESCORT PLAINTIFF ASKED DEFENDANTS M. LIDDELL AND D. EARLS JR. TO LOOSEN THE HANDCUFFS BECAUSE HE WAS IN PAIN;

1 PLAINTIFF'S REQUEST WAS DENIED BY OFFICER D. EARLS JR.
2 AND OFFICER M. LIDDELL STATED IT WOULD NOT TAKE THAT
3 LONG PRIOR TO REACHING THEIR DESTINATION.

4
5 5.) ON SEPTEMBER 28TH 2021 ONCE PLAINTIFF WAS
6 PLACED IN THE TRANSPORTATION VEHICLE BY DEFENDANTS
7 D. EARLS JR AND M. LIDDELL PLAINTIFF AGAIN REQUESTED
8 THAT OFFICERS M. LIDDELL AND D. EARLS JR. LOOSEN
9 THE HANDCUFFS BECAUSE THE PAIN HAD GOTTEN WORSE.
10 OFFICER M. LIDDELL OPENLY STATED OUT LOUD THAT
11 HE SHOULD HAVE PUT THE ANKLE CUFFS ON THE PLAINTIFF.
12 BOTH OFFICERS REFUSED TO LOOSEN THE HANDCUFFS.

13
14 6.) ON SEPTEMBER 28TH 2021 DEFENDANTS ARRIVED AT
15 FOLSOM STATE PRISON WITH PLAINTIFF MARK BROWN. OFFICER
16 M. LIDDELL WENT INSIDE R & R (RECEIVING AND RELEASE)
17 AND WHILE HE WAS INSIDE THE PLAINTIFF WAS EXPERIENCING
18 EXCRUCIATING PAIN AND REPEATEDLY ASKED OFFICER D. EARLS
19 JR. TO LOOSEN THE CUFFS. PLAINTIFF WAS BREATHING
20 HEAVILY AND YELLING FOR HELP BECAUSE HE BELIEVED HE
21 WOULD FAINT. DEFENDANT D. EARLS CALMLY STATED THAT
22 HAVING BLOOD CIRCULATION CUT OFF WON'T CAUSE A PER-
23 SON TO FAINT.

24
25 7.) ONCE DEFENDANT M. LIDDELL CAME OUT OF R & R, HE AND
26 DEFENDANT [REDACTED] ESCORTED THE PLAINTIFF INSIDE AND
27 THEN WAS ABLE TO TAKE THE HANDCUFFS OFF OF PLAINTIFF
28 COMPLETELY.

8.) ONCE THE PLAINTIFF WAS TAKEN OUT THE HANDCUFFS HE ENCOUNTERED BODILY DAMAGE TO HIS WAIST WHICH INCLUDED DISCOLORATION, REDNESS, RUG BURN, HANDCUFF IMPRINTS AND HE WAS IN EXTREME PAIN STILL. PLAINTIFF WAIST WAS SORE FOR THE FOLLOWING WEEKS.

9.) ON SEPTEMBER 28TH 2021 PLAINTIFF INFORMED AND SHOWED THE NURSE HIS INJURIES. THE NURSE ADVISED THE PLAINTIFF TO FILL OUT A SICK CALL FORM TO SEEK MEDICAL ATTENTION FOR THAT INJURY.

10.) PLAINTIFF MARK BROWN HAD TO ENDURE ~~NO~~ NUMEROUS TIME IN PAIN WHILE IN HANDCUFFS. BOTH OFFICERS D. EARLS JR AND M. LIDDELL WERE AWARE THE PLAINTIFF WAS IN PAIN FROM THE HANDCUFFS BEING TOO TIGHT BUT THEY CHOSE TO IGNORE AND DENY HIS REQUESTS TO HAVE THEM LOOSENED.

11.) ALL THE FACTS STATED IN THIS CLAIM TOOK PLACE ON SEPTEMBER 28TH 2021, WHILE THE PLAINTIFF MARK BROWN WAS IN THE CUSTODY OF CORRECTIONAL OFFICERS D. EARLS JR. AND M. LIDDELL.

Respectfully submitted, *Mark Brown* #AP-0910
MARK BROWN #AP-0910

DATE: 2/22/22

LEGAL CLAIMS

12.) PLAINTIFF REALLEDGE AND INCORPORATE BY REFERENCE
PARAGRAPHS 1-11 ON PAGES 4-6.

13.) DEFENDANTS D. EARLS JR. AND M. LIDDELL UTILIZED
EXCESSIVE ^{FORCE} ON PLAINTIFF MARK BROWN BY NOT
LOOSENING THE HANDCUFFS ~~THEY~~ THEY PUT ON HIM
WHICH CAUSED EXTREME PAIN ON THE PLAINTIFF.
DEFENDANTS REPEATEDLY IGNORED AND DENIED PLAINTIFF
REQUEST TO HAVE THE HANDCUFFS LOOSENEED DOING
SO WITH MALICIOUS DELIBERATE INDIFFERENCE.
DEFENDANTS D. EARLS JR. AND M. LIDDELL
VIOLATED PLAINTIFF'S MARK BROWN EIGHTH AMEND-
MENT RIGHT TO BE FREE FROM CRUEL AND UNUSUAL
PUNISHMENT UNDER THE UNITED STATES CONSTITUTION.

E. REQUEST FOR RELIEF

State the relief you are seeking:

A JURY TRIAL ON ALL ISSUES TRIABLE BY A JURY
PLAINTIFF COST IN THIS SUIT, COMPENSATORY AND PUNITIVE DAMAGES TO
THE EXTENT OF LAW. ANY ADDITIONAL RELIEF THIS COURT DEEMS JUST,
PROPER AND EQUITABLE.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 2/22/22
DATE

Mark Brown
SIGNATURE OF PLAINTIFF

N/A

(Name and title of paralegal, legal assistant, or
other person who helped prepare this complaint)

(Signature of attorney, if any)

(Attorney's address & telephone number)

ADDITIONAL PAGES

All questions must be answered concisely in the proper space on the form. If you need more space you may attach more pages, but you are strongly encouraged to limit your complaint to twenty-five pages. If you attach additional pages, be sure to identify which section of the complaint is being continued and number all pages. Remember, there is no need to attach exhibits to your complaint.

PREVIOUS LAWSUITS

D.) PARTIES: MARK A. BROWN V. P. LELIS
CASE # 20-CV-00885-KJM-DMC
Result: DISMISSED WITHOUT PREJUDICE

F.) PARTIES: MARK A. BROWN V. LARA
CASE # 21-CV-02096-CKD
Result: PENDING